

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HIRAM EVANS,

Defendant.

CR-11-83-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 12, 2023. (Doc. 131.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 11, 2023. (Doc. 130.) The United States accused Hiram Evans, (Evans) of violating his conditions of supervised release 1) by using methamphetamine and oxycontin; and; 2) by failing to notify his probation officer of a change in residence. (Doc. 123 at 3.)

At the revocation hearing, admitted Evans admitted that he had violated the terms of his supervised release by using methamphetamine and oxycontin. The Court dismissed alleged violation 2 on the government's motion. (Doc. 130.) Judge Johnston found that the violation Evans admitted proves serious and warrants revocation of his supervised release and recommends a custodial sentence of 14 months, with no supervised release to follow. (Doc. 131.) Evans was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 130.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 131) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Hiram Evans be sentenced to the Bureau of Prison for 14 months no supervised release to follow. The sentence imposed in this case shall run concurrent with the sentences in causes CR 12-93-GF-BMM and 21-67-GF-BMM. Evans should serve his term of custody at FCI Englewood, Colorado.

DATED this 12th day of April, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United State District Court